

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

VANDROTH BACKUS, WILLIE)	
HARRISON BROWN, CHARLESANN)	
BUTTONE, BOOKER MANIGAULT,)	
EDWARD MCKNIGHT, MOSES MIMS, JR,)	
ROOSEVELT WALLACE, and WILLIAM)	
G. WILDER, on behalf of themselves and all)	
other similarly situated persons,)	
	Plaintiffs,	Civil Action No.
v.)	3:11-cv-03120-PMD-HFF-MBS
)	
THE STATE OF SOUTH CAROLINA,)	
NIKKI R. HALEY, in her capacity as)	
Governor, KEN ARD, in his capacity as)	
Lieutenant Governor, GLENN F.)	
MCCONNELL, in his capacity as President)	
Pro Tempore of the Senate and Chairman of)	
the Senate Judiciary Committee, ROBERT W.)	
HARRELL, Jr., in his capacity as Speaker of)	
the House of Representatives, JAMES H.)	
HARRISON, in his capacity as Chairman of)	
the House of Representatives' Judiciary)	
Committee, ALAN D. CLEMMONS, in his)	
capacity as Chairman of the House of)	
Representatives' Elections Law)	
Subcommittee, MARCI ANDINO, in her)	
capacity as Executive Director of the Election)	
Commission, JOHN H. HUDGENS, III,)	
Chairman, CYNTHIA M. BENSCH,)	
MARILYN BOWERS, PAMELLA B.)	
PINSON, and THOMAS WARING, in their)	
capacity as Commissioners of the Elections)	
Commission,)	
	Defendants.	

**DEFENDANT GLENN F. MCCONNELL'S NOTICE THAT HE NO LONGER INTENDS
TO OFFER EXPERT TESTIMONY BY DR. RICHARD ENGSTROM**

DEFENDANT GLENN F. McCONNELL hereby provides notice that he no longer intends to offer expert testimony by Dr. Richard Engstrom.

Plaintiffs have abandoned the vote dilution allegations on which their entire Complaint was premised. While Plaintiffs' pleadings alleged vote dilution in a legally incompetent fashion, Plaintiffs' expert report provides no analysis *at all* regarding vote dilution. *See* Def. McConnell's Motion for Summary Judgment at 5-7, Attachment A (Expert Report of Dr. Michael P. McDonald) (Jan. 17, 2012) (filed concurrently with this Notice). And without sufficient allegations and evidence of vote dilution, Plaintiffs cannot make out a claim of purposeful vote dilution. *See* Mem. of Points and Auths. in Supp. of Def. McConnell's Motion to Dismiss at 18, 23-27, ECF No. 55 (Dec. 19, 2011); Reply in Supp. of Def. McConnell's Motion to Dismiss at 10, ECF No. 64 (Jan. 4, 2012).

Thus, Plaintiffs have offered no evidence for Defendant McConnell to rebut through expert testimony. If, however, Plaintiffs are somehow permitted to revive their now-abandoned vote dilution allegations, Defendant McConnell reserves the right to call Dr. Engstrom as an expert witness.

Signature page follows

Respectfully submitted,

/s/ William W. Wilkins

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January 17, 2012
Greenville, South Carolina